

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
APPELLATE SIDE

WRIT PETITION NO.9645 OF 2004

Vyaghrambar Bhausahab Nehatrao

.. Petitioner.

v/s.

State of Maharashtra & ors.

.. Respondents.

Mr.R.K.Mendadkar for petitioner.

Mr.R.D.Rane, Additional Government Pleader for  
respondent Nos.1,2 and 5.

Mr.P.P.Chavan i/by M/s.Little & Co. for respondent  
No.3.

**CORAM : R.M. LODHA AND**  
**R.S. MOHITE, JJ.**

**DATED : 18th March, 2005**

**P.C.**

Rule. Returnable forthwith.

2. By consent of the learned counsel for the parties, writ petition is heard finally at this stage.

3. After arguing the writ petition for some time, the learned counsel submitted that the petitioner is not desirous of pressing the writ petition on merits. He submits that the petitioner accepts the order of the Caste Scrutiny committee invalidating the petitioner's claim that he belongs to the scheduled tribe-Mahadeo Koli. According to the learned counsel for the petitioner, pursuant to the

interim order passed by this court, the petitioner pursued the D.Ed. course and also appeared in the second and final year course of D.Ed. examination held in the month of April/May, 2003. The only prayer, in the circumstances, the learned counsel presses is that the petitioner's result of second and final year of D.Ed. course examination be ordered to be declared and the mark-sheet be released to him.

4. In the peculiar facts and circumstances of the case and in the light of the order passed by us on 17.03.2005 in writ petition No.10678 of 2004, **Pentuvithalrao Maisanwad v/s. State of Maharashtra** the learned counsel for the respondent No.3 submits that result of the petitioner shall be declared within two weeks from today.

5. We, accordingly, dispose of the writ petition by following order:-

**ORDER**

(i) We record the petitioner accepts the finding of the Scheduled Tribe Caste Certificate Scrutiny Committee that he does not belong to scheduled tribe-Mahadeo Koli and that henceforth he or his family members shall not

claim any benefit of Mahadeo Koli  
tribe.

(ii) The respondent No.3 viz. Maharashtra  
State Examination Council shall  
declare the petitioner's result for  
second and final year course of D.Ed.  
examination held in the month of  
April/May, 2003 within two weeks from  
today and also release the mark-sheet  
to him.

No costs.

**(R.M. LODHA, J.)**

**(R.S. MOHITE, J.)**